

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
WESTERN DIVISION - TOLEDO

DEBORAH TRUMBULL, et al.,

Plaintiffs,

vs.

JACK COOPER TRANSPORT
COMPANY, INC., et al.,

Defendants.

CASE NO.

(CASE NO. G-4801-CI-0202102547-000
REMOVED FROM LUCAS COUNTY
COURT OF COMMON PLEAS)

JUDGE _____

**NOTICE OF REMOVAL TO FEDERAL
COURT BY DEFENDANTS JACK
COOPER TRANSPORT COMPANY,
INC. AND CARLEE TRISTA TAYLOR**

TO: THE JUDGES OF THE UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF OHIO, WESTERN DIVISION - TOLEDO

Pursuant to 28 U.S.C. §1441 and §1446, Defendants Jack Cooper Transport Company, Inc. (“Jack Cooper Transport Company”) and Carlee Trista Taylor (“Ms. Taylor”), hereby give notice of the removal of the above-referenced matter from the Common Pleas Court of Lucas County, Ohio, in which it is now pending, to the United States District Court for the Northern District of Ohio, Western Division - Toledo.

1. This is a personal injury action that was filed in the Common Pleas Court of Lucas County, Ohio on July 19, 2021, bearing Case No. G-4801-CI-0202102547-000. The Complaint names three defendants: Jack Cooper Transport Company, Ms. Taylor and Ohio Bureau of Workers’ Compensation. A copy of the Complaint is attached hereto as Exhibit A.

2. Plaintiffs, Deborah and Richard Trumbull are, and have been at all times relevant herein, residents and citizens of the state of Ohio.

3. Defendant Jack Cooper Transport Company is a corporation organized, registered and existing under the laws of the State of Delaware, with its principal place of business in Kansas City, Missouri. As such, Defendant Jack Cooper Transport Company is a citizen of the states of Delaware and Missouri.

4. Defendant Ms. Taylor is a citizen of the state of Kentucky.

5. Defendant Ohio Bureau of Workers' Compensation is located in Columbus, Ohio, but any subrogation claim of the entity is merely incidental to the primary cause of action alleging common law tort claims for personal injury. Accordingly, removal based on diversity jurisdiction is still appropriate. *Porter v. Cuyahoga Cty.*, N.D.Ohio No. 1:19CV2612, 2020 WL 1288830. Further, The Ohio Bureau of Workers' Compensation is an arm of the state of Ohio, and therefore is not a citizen of Ohio for diversity jurisdiction purposes. *Adams v. Frito-Lay, Inc.*, N.D.Ohio No. 1:19CV2084, 2020 WL 90753.

6. According to the Complaint, Plaintiffs demand judgment against Defendants in an amount in excess of \$25,000.00. Plaintiff Deborah Trumbull alleges she sustained personal injuries and physical and mental pain and suffering, which she states are expected to continue indefinitely. Plaintiff Deborah Trumbull also states she incurred lost wages and a diminution in earning capacity that are likewise expected to continue indefinitely. Plaintiff Richard Trumbull seeks separate damages for loss of consortium.

7. Further, Plaintiffs' counsel has indicated that Plaintiffs' damages will exceed \$75,000.00. As such, it is Defendants' good faith belief that the amount in controversy exceeds the jurisdictional amount of \$75,000.00, exclusive of interest and costs, if all of its defenses fail and if Plaintiffs prove all of their claimed damages as alleged in the Complaint.

8. Since Plaintiffs are Ohio residents, and Defendants are citizens of Kentucky and Missouri, there exists complete diversity of citizenship between Plaintiffs and Defendants. Because the amount in controversy is greater than \$75,000.00, this action may therefore be removed from state court to Federal Court pursuant to 28 U.S.C. §§ 1332 and 1441.

9. Defendant Jack Cooper Transport Company was served with the Summons and Complaint on July 23, 2021.

10. Defendant Ms. Taylor has not yet been served with the Summons and Complaint.

11. Defendants attach hereto a copy of all process, pleadings and orders on file in the State proceeding and a copy of the Notice of Filing Notice of Removal, which Defendants will serve upon Plaintiffs promptly after the filing of this Notice of Removal, pursuant to 28 U.S.C. § 1446(a). See Exhibit B.

12. Defendant will file a copy of the Notice of Removal with the Clerk of the Common Pleas Court of Lucas County, Ohio immediately after filing hereof.

13. No further proceedings have commenced in this action in the Common Pleas Court of Lucas County, Ohio.

Respectfully submitted

/s/ Philip S. Heebsh

Philip S. Heebsh (0075547)

pheebsh@ralaw.com

Lauren M. Smith (0097118)

laurensmith@ralaw.com

Roetzel & Andress, LPA

One SeaGate, Suite 1700

Toledo, OH 43604

Telephone: 419.242.7985

Facsimile: 419.242.0316

Attorneys for Defendants,

Jack Cooper Transport, Inc. and

Carlee Trista Taylor

PROOF OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing has been served upon the following parties via the Court's electronic filing system this 30th day of July, 2021:

Charles V. Contrada, Esq.
CONTRADA & ASSOCIATES
6641 Sylvania Avenue, Suite 8
Sylvania, Ohio 43560-3921
Email: charlie@contrada.net
*Attorney for Plaintiffs,
Deborah Trumbull and
Richard Trumbull*

Ohio Bureau of Workers'
Compensation
30 West Spring Street
Columbus, OH 43215-2256
Defendant

/s/ Philip S. Heebsh
Philip S. Heebsh (0075547)
*Attorney for Defendants,
Jack Cooper Transport, Inc. and
Carlee Trista Taylor*